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REMARKS

Three paragraphs of the specification have been amended in minor respects to correct a typographical error and to provide clarification. No new matter has been added to the specification. Additionally, each of the claims has been further amended to overcome the alleged indefiniteness of the claims and to clarify the structure operation of the claimed invention in order to more clearly distinguish it from the disclosures contained in the references that were relied upon by the examiner.

The drawings as originally submitted and those amended at the time of filing were objected to on the ground that details of the claimed invention were not adequately shown. Amended or new figures were suggested for at least some of the drawing figures. In that regard, it should be noted that the overall structure of the several elements recited in the claims are each shown in the drawings as presented. Specifically, the following elements recited in the claims are identified in the drawings by the following respective reference numerals:

passenger bridge	- 4;
inner part	- 7;
outer part	- 10;
rotunda	- 9;
cabin	- 11;
drive means	- 12;
wheels	- 13, 14;

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vertical pillar - 25;
displacement means - 24;
pivot axis - 22; and
pivoting means - 23.

To the extent that further structural details of the individual elements are not shown, it is respectfully urged that such a showing of details is not necessary. Each of the claimed elements is known in the art, as exemplified by the drawing figures and disclosures of the several references of record. And where elements that are identified are known in the art, "A patent need not teach, and preferably omits, what is well known in the art." *Hybritech Inc. v. Monoclonal Antibodies, Inc.*, 802 F.2d 1367, 1384, 231 USPQ 81, 94 Fed Cir. 1986), *cert. denied*, 107 S. Ct. 1606 (1987). Additionally,

A patent must contain a description that enables one skilled in the art to make and use the claimed invention. *An inventor need not, however, explain every detail since he is speaking to those skilled in the art.* Not every last detail is to be described, else patent specifications would turn into production specifications, which they were never intended to be. *DeGeorge v. Bernier*, 226 USPQ 758, 762 (Fed. Cir. 1985) (citations and quotation marks omitted) (emphasis added).

And,

The description in patents are [sic] not addressed to the public generally, to lawyers or to judges, but, as section 112 says, to those skilled in the art to which the invention pertains or with which it is most nearly connected. The sufficiency of a specification must be tested in the light of this fact and judged by what it conveys to those who *are* skilled in the art. The judge's task is to decide whether from the disclosure the man skilled in the art can make the invention and use it. If he can, this part of the statute is complied with, subject to the one further requirement that the inventor describe the best mode

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contemplated by him of carrying out his invention.

In re Nelson, 126 USPQ 242, 251 (CCPA 1960) (emphasis in original).

Indeed, well over a century ago, the Supreme Court laid down the following rule regarding the extent of detail required in a patent:

If a mechanical engineer invents an improvement of any of the appendages of a steam-engine, such as the valve gear, the condenser, the steam-chest, the walking beam, the parallel motion, or what not, he is not to describe the engine nor the particular appendage to which the improvement refers, nor its mode of connection with the principal machine. These are already familiar to others skilled in that kind of machinery. He may begin at the point where his invention begins and describe what he has made that is new. *That which is common and well known is as if it were written out in the patent and delineated in the drawings.*

Webster Loom Company v. Higgins, 105 U. S. (15 Otto) 580 (1882) (emphasis added).

Clearly, the courts recognize that the detail necessary in a patent application is that amount of detail that would enable one having ordinary skill in the art to make and use the invention from the description and drawings that are provided. In this instance, because the detailed structure of the individual elements described in the specification and represented in the drawings now included in the application are known, such structural details need not be set forth because, as stated by the Supreme Court, "that which is common and well known is as if it were written out in the patent and delineated in the drawings." Accordingly, the objection to the drawings is respectfully requested to be withdrawn.

Claims 1-3 were rejected as indefinite. In that regard, each of those

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claims has been amended to recite "apparatus" instead of "an arrangement," to clearly indicate the intent to claim apparatus. Additionally, although the claims also recite function as well as apparatus, functional recitations must be considered and given full weight in a patentability analysis. In that regard, the Board of Patent Appeals has said the following concerning functional language in a claim:

Although we have sustained several of the Examiner's rejections we here wish to specifically note that contrary to the Examiner's assertions, functional language in the claims must be given full weight and may not be disregarded in evaluating the patentability of the subject matter defined employing such functional language. However, the applicant must establish that what is taught by the reference does not inherently function in the same manner required by the claim; cf. *In re Hallman* decided by the CCPA July 16, 1981, 655 F.2d 212, 210 U.S.P.Q. 609.
Ex parte Bylund, 217 U.S.P.Q. 492, 498 (Bd. App. 1981).

And the Federal Circuit has spoken similarly regarding functional language. *K2 Corp. v. Salomon S.A.*, 52 U.S.P.Q.2d 1001, 1004 (Fed. Cir. 1999) ("The functional language is, of course, an additional limitation in the claim."). The claims as hereinabove amended are clearly in definite form, and the rejection of the claims on the ground of indefiniteness is therefore respectfully requested to be withdrawn.

Claims 1-3 were also rejected as obvious based upon the combination of the Hutton et al. '615 and the Thomas, Jr. '936 references, wherein each reference was alternately considered as the primary reference and also as the secondary reference. The present invention as claimed is clearly distinguishable over the Hutton et al. reference in that the reference shows a

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two-part, over-the-wing passenger bridge, but only one part of which, the outer part, is telescopically extendable. See Hutton et al., col. 7, lines 47-49, specifically disclosing "a fixed length passageway member 2," and Figures 1a, 2a, 3a, 3c, 5, 6, and 7b, each of which shows a fixed length inner passageway member. In distinct contrast, the present invention as claimed in amended claim 1 recites "a passenger bridge including a telescopically extendable inner part and a telescopically extendable outer part."

Another difference between the claimed invention and the Hutton et al. reference resides in the fact that in that reference the rotunda is stationary. See Hutton et al., col. 7, line 45, which teaches "a stationary rotunda 4." In distinct contrast, the present invention as claimed recites "a ground-mounted vertical pillar for supporting the rotunda and including lifting means to change the length of the pillar and thereby displace the rotunda in a vertical direction." The Hutton et al. reference thus does not disclose or suggest the invention as it is claimed in amended claim 1.

The Thomas, Jr. reference, which is directed to an entirely different problem, was cited for disclosing a rotunda including a lifting device. The lifting device is provided to move the rotunda between two vertically spaced passenger zones. See Thomas, Jr., col. 2, lines 45-49; and col. 3, lines 14-16. Significantly, however, the Thomas, Jr. reference relates to a passenger bridge having only one section. And that one section is not disclosed as passing over the wing of an aircraft as claimed in amended claim 1 of the present application, but is connected with an aircraft door that is located

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forward of the wing, as clearly shown in Figure 1 of that reference. The Thomas, Jr. reference thus does not disclose or suggest the invention as it is claimed in amended claim 1.

In view of the different problems to which the references relied upon each relate, and in view of the absence of any teaching or suggestion in the references that would lead one to combine their disclosures, there is not established a *prima facie* case of obviousness based upon those references. Clearly, the references themselves contain no disclosures that would motivate one to even attempt their combination, and the examiner has not cited any such motivating disclosure in either of the references. Moreover, it is not apparent which elements of one reference should be combined with which elements of the other reference, nor is it apparent in which way the elements are to be combined, nor is it apparent which elements are to be omitted from the combination. Only by some hindsight guidance gleaned from knowledge of what is contained in the present disclosure would one even consider a combination of the disclosures of the different structures shown in the references that were relied upon, and to combine them in some particular way. But it is an improper basis for an obviousness rejection to use as a road map or as a template an inventor's disclosure to aid in picking and choosing particular parts of particular references that allegedly can be combined to render obvious that which only the inventor has taught.

Although one could in hindsight assert, as the examiner has done, that it would be obvious to combine the Thomas, Jr. pillar structure with the Hutton et

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al. structure, such a hindsight assertion is improper. In that regard, for there to be a sufficient showing of a motivation to combine the teachings of references, that motivation must be supported by referring to some relevant and identifiable source of information that would provide the necessary motivation. The mere existence of particular elements in different references is not sufficient to suggest their combination in a particular way. And conclusory statements of possible advantages that might, again in hindsight, lead one to combine the teachings of several references, and assumptions of what an ordinarily skilled person would or would not do, are by themselves insufficient to support a conclusion that there exists a motivation to combine references and to do so in a particular way. Consequently, the mere assertion of a subjective possible convenience or advantage that might be achieved by combining the teachings of different references is insufficient to support a conclusion of motivation to combine and of obviousness of a claimed combination. Thus, regardless of which reference is the primary reference and which reference is the secondary reference, the structural differences and the different problems to which the respective references are directed argue against their combination because no motivation has been shown to cause one to combine the references and to do so in a particular way.

Claims 2 and 3 each depend directly from claim 1, and therefore those claims are also distinguishable over the references relied upon and for the same reasons as are given above in connection with claim 1. Furthermore, the dependent claims include additional recitations that further distinguish the

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invention as so claimed from the teachings of the references.

Based upon the foregoing amendments and remarks, the claims as they now stand in the application are believed clearly to be in allowable form. The claims are in definite form and they patentably distinguish over the disclosures contained in the references that were cited and relied upon by the examiner. Consequently, this application is believed to be in condition for allowance, and reconsideration and reexamination of the application is respectfully requested with a view toward the issuance of an early Notice of Allowance.

The examiner is cordially invited to telephone the undersigned attorney if this amendment raises any questions, so that any such question can be quickly resolved in order that the present application can proceed toward allowance.

Respectfully submitted,

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